

WALDO COUNTY COMMISSIONERS COURT SESSION (Emergency Session)
July 11, 2006

PRESENT: Commissioners John M. Hyk (Chairman), Amy R. Fowler and Charles G. Boetsch. Also present was Treasurer David A. Parkman, Deputy Treasurer Karen Ward and County Clerk Barbara L. Arseneau.

TREASURER'S REPORT:

Present for this report was Treasurer David A. Parkman and Deputy Treasurer Karen Ward.

REVENUE:

56% of the anticipated revenue has been received so far. The Corrections reimbursement for 2006 has not arrived, but it usually comes by the end of the July. The County has received over 100% of the anticipated revenue for Probate Court because the Registry has been going after restitutions, which is currently being put in the Miscellaneous Reserve Account. Last year's Probate Court Appointments was overdrawn because only \$8,000.00 was allocated and \$24,000.00 was spent. This line currently sits at 62% expended, which is "not too bad," according to D. Parkman. When considering the restitution money brought it, this balances out the Court Appointments expenditures.

APPROPRIATIONS:

K. Ward reported that the expenditures for inmate boarding, after today, total \$280,000.00, covering bills into May. The June inmate boarding invoices have not been received yet.

B. Arseneau read a memo from Communications Director Owen Smith informing the Commissioners that the Overtime line will be overdrawn. B. Arseneau also read a memo from District Attorney Geoffrey Rushlau informing the Commissioners that the D.A.'s Office just received invoices for drug testing cases initiated in 2005.

D. Parkman reminded the Commissioners that the Interest note for the Communications Center loan will be coming due the end of July.

RECORDS PRESERVATION GRANT RECEIVED:

K. Ward reported that the last records preservation grant applied for by Cheryl Coats of DRG has been received in the amount of \$1,660.00.

RESERVE ACCOUNTS:

There was brief discussion of which reserves to fund from Undesignated ("surplus") Funds. It was generally thought that it would be best to wait and see which reserves ended up most in need later in the year. It was noted that \$40,000.00 from Undesignated Funds was put into the courthouses, it was believed, back in May.

INTEREST:

D. Parkman reported that only Deeds and Probate have to have interest on surcharges tract. He added, "Our problem is getting enough revenue into general fund during the year. When asked by the Commissioners, D. Parkman stated that there is 1.8 million left on the Tax Anticipation Note. "This year, we're doing pretty well as far as that goes," he said.

****G. Boetsch moved, A. Fowler seconded accepting the Treasurer's Report as presented. Unanimous.**

WARRANTS:

K. Ward noted that there was a revision to the June 13, 2006 warrant in the amount of \$225.00. The total amount should have been \$13,736.87 instead of \$13,961.87 because there was an overpayment of \$225.00.

****G. Boetsch moved, A. Fowler seconded authorizing the revised amount paid on the June 13, 2006 Capital & Restricted Reserve Warrant in the amount of \$13,736.87. Unanimous.**

D. Parkman read expenditures from the Capital, Active and Restricted Accounts.

****G. Boetsch moved, A. Fowler seconded authorizing payment of the Capital Active and Restricted Reserve Warrant in the amount of \$29,875.56. Unanimous.**

****G. Boetsch moved, A. Fowler seconded authorizing payment of the June 30, 2006 Regular Warrant in the amount of \$223,060.05. Unanimous.**

****G. Boetsch moved, A. Fowler seconded authorizing payment of the July 11, 2006 Capital and Restricted Reserve Warrant in the amount of \$9,480.34. Unanimous.**

****G. Boetsch moved, A. Fowler seconded authorizing payment of the July 11, 2006 regular Warrant in the amount of \$117,029.44. Unanimous.**

EMERGENCY MANAGEMENT AGENCY REPORT:

Present for this report was EMA Director Dale Rowley, who reported the following:

1. The NIMS (National Incident Management System) compliance course booklet was submitted to the County Commissioners. This must be completed to acquire 2006 Homeland Security Grant funding. NIMS classes are scheduled as follows:

- July 20, 2006 at 5:00 p.m. – Belfast Boathouse
- July 22, 2006 at 8:30 a.m. – Liberty Fire Station
- August 29, 2006 at 8:00 a.m. – Burnham Fire Station

ICS (Incident Command) classes have been scheduled as follows:

- July 22, 2006 at 11:00 a.m. – Liberty Fire Station
- August 6, 2006 at 4:00 p.m. – Belfast Boathouse
- August 29, 2006 at 10:00 a.m. – Burnham Fire Station

2. The County EOP (Emergency Operation Plan) draft is about 30% complete. This will include NIMS complaint topics, will incorporate a HazMat Plan and will include a Pandemic Influenza attachment.

3. Pandemic Influenza Planning: D. Rowley reported that the Waldo County Public Health Planning Team has been formed and five meetings have been held to date. The next will be July 14, 2006 at 10:00 a.m. at Waldo County General Hospital. He noted that Somerset and Waldo Counties are leading in Pandemic Influenza training.

4. Decon Strike Team: D. Rowley reported that State support is “up in the air.” The State has funded various other decon strike teams, but not here. He explained that he is “trying to push the issue” and get

some funding from the State for Waldo County. He submitted a copy of a letter to the SERC (State Emergency Response Commission) requesting this assistance.

5. Homeland Security Grant Status: D. Rowley reported that the amount of funding available is “1/3 of what it was in 2004.” It is now geared more toward law enforcement. By the time it filters down from the State to the municipalities, there won’t be much left for the County. The amount of funding available in 2003 was \$21 million, in 2004 it was \$22.4 million, in 2005 it had dropped to \$14.9 million and in 2006 it is only \$7.8 million. The deadline for submitting the grant application is October 15, 2006.

6. The LEPC (Local Emergency Planning Committee) Hazardous Materials Disaster Exercise is scheduled for September 9, 2006. D. Rowley listed all the organizations that are participating. Some of the money spent on law enforcement training will be reimbursed the LEPC.

7. The Waldo County EMA and Waldo County General Hospital now have a Mutual Aid Agreement.

A. Fowler inquired about the County’s connection with the Armory (National Guard). D. Rowley explained that this is routed through MEMA.

8. D. Rowley stated that the Waldo County Public Safety Resource Handbook is now available. It is a collection of what Local Emergency Response groups have for resources. A. Fowler requested one.

9. Also in place is the Waldo County Fire Protection Mutual Aid Compact. The Firefighters Association asked D. Rowley to assist with this.

10. D. Rowley went to York County to assist the York County EMA during the “Mother’s Day” flooding. He helped organize the information board. Two other counties also assisted.

11. There is now an Incident Management Assistance Team.

12. In the Municipal EMA Program, 24 out of the 26 towns have current directors. The exceptions were the towns of Northport and Morrill.

13. D. Rowley invited the County Commissioners to tour the Waldo EMA and see the EOC and Ham Radio Trailer.

14. A “Certificate of Achievement” was issued to EMA Administrative Assistant Olga Rumney for successful completion of the Emergency Management Institute Professional Development Series. The Commissioners expressed commendation to O. Rumney for this achievement.

FACILITIES REPORT:

Present for this report was Facilities Manager Keith Overlock, who reported the following:

1. The Sheriff’s roof project will be completed by Burgess Brothers by the end of this week. K. Overlock commented that it “looks wonderful” and materials are “excellent.”

2. K. Overlock has contacted Maine Energy regarding the District Courthouse boiler project. He met with Mickey at the site. He learned that about there is about 37 feet of asbestos rope on the boiler, even

though he had checked earlier with one of the bidders who assured him that there was no asbestos on that boiler. K. Overlock has contacted County Abatement to try and schedule the removal of this asbestos. The Commissioners told him to do what must be done. He told the Commissioners he would start to remove the concrete floor as soon as possible.

3. Inmates have been digging up at Congress Street to alleviate drainage issues. Stone, cloth and pipe have been put in.

4. EMA wishes to put a portable shelter for trailers near the Communications Center. The drain lines in that area have been dug. The EMA may be able to get funds for the gravel, as well as for concrete to cover the Communications lines. He had spoken with Architect Robert Fenney about the Communications line. R. Fenney feels that a five inch thick concrete slab over the lines will protect them. K. Overlock will be meeting with D. Rowley to work the funding out. More gravel will also be needed for a parking area.

5. K. Overlock regretted to report that GR Roofing has not started on the Jail roof project. K. Overlock has called them and they have not told him when they will be starting. K. Overlock hoped it would be after August 1st, as there have been so many cars in the parking area due to Spillman software training at the Communications Center.

6. The people at the University of Maine Cooperative Extension have been calling about the handicap ramp out there. K. Overlock said he had met with them and had advised them that they will get to it as soon as Robert Fenney provides the ramp plans.

7. There is a problem with the air conditioning at the Communications Center. Kienow's Refrigeration has put a new line into the equipment room. This took care of the problem of too much heat in the room, however on July 4th; the compressor appears to have frozen up. It may be too small to handle the load. As soon as the change is made to the new system some of the old equipment will be removed, maybe this will be enough to take care of the problem. There is a portable air conditioner there to use if the main one goes down again.

8. K. Overlock will keep the Commissioners posted on the Superior Courthouse asbestos floor tile removal in the Law Library. He will be meeting with State Court Facilities Manager Norman Ness this coming Thursday to discuss the project.

9. The District Courthouse ramp plans for the Church Street and Spring Street sides have not yet arrived from Architect Robert Fenney.

10. K. Overlock listed several other projects he is working on including working on storage records and office changes at Superior Courthouse, A fresh air supply to the Jail boiler, installing a projector system for EMA, making sure Kienow's Refrigeration puts an air conditioner on the Jail, installing a door at the Sheriff's Office, to name some of them.

CORRESPONDENCE:

Present for this report was County Clerk Barbara Arseneau along with Deputy County Clerk Veronica Stover to take minutes.

1. The Commissioners reviewed a memo sent by Commissioner Hyk stating that bereavement leave is only to be used according to the Personnel Policy. Recently, there had been some confusion regarding the

use of bereavement leave. It had come to the attention of the clerk that on a few occasions, department heads have allowed employees to take paid bereavement leave for other persons other than those outlined in the policy. J. Hyk had requested that a memo be issued reiterating the correct use of this leave according to the policy and reminding department heads that it is not up to them to deviate from that policy. This memo was issued June 28, 2006. A question has also arisen regarding whether this can be used by part-time employees or not.

2. The following pay step increases were noted by the Waldo County Commissioners:
 - Effective June 19, 2006, Corrections Officer Kyle Lucas received a pay increase from \$13.26 to \$13.59 per hour for becoming certified at the Maine Criminal Justice Academy.
 - EMA Administrative Secretary Olga Rumney has reached the six-month pay step and he pay will increase from \$12.77 to \$13.14 per hour, effective retroactively from July 4, 2006.
 - Effective June 17, 2007 Dispatcher Cheryl Pike reached the five-year pay step and her pay increased to \$15.82 per hour.

3. With the approval of the County Commissioners, effective June 11, 2006 Corrections Officer Gregory Mackay will fill the full-time slot at the Waldo County Correctional Center. Officer Mackay has previously been on the part-time status. The rate of pay will change from \$10.98 to \$13.09 retroactively from that date.

****A. Fowler moved, G. Boetsch seconded approving the full-time hire of Greg Mackay, effective June 11, 2006 at \$13.09 per hour. Unanimous.**

4. With the approval of the County Commissioners, effective July 1, 2006, Detective Bryant White has been promoted to Lieutenant with the Waldo County Sheriff's Office. His pay will increase from \$19.30 per hour to \$20.54 per hour.

****A. Fowler moved, G. Boetsch seconded approving the promotion of Bryant White from Detective to Lieutenant effective July 1, 2006, with a pay increase to \$20.54 per hour. Unanimous.**

5. Effective July 1, 2006 Deputy Richard Benedict will begin working as a full-time patrol officer for the Waldo County Sheriff's Office. He had previously been employed on a part-time basis. His rate of pay will change from \$12.30 to \$14.41 per hour.

****A. Fowler moved, G. Boetsch seconded approving the hire of Richard Benedict as full-time patrol officer, effective July 1, 2006 at \$14.41 per hour. Unanimous.**

6. At the previous Commissioners Court Session, the Commissioners instructed B. Arseneau to contact MCCA Risk Pool Claims Adjuster Malcolm Ulmer to ask two questions related to inmates. The first question was if the County could allow an inmate with roofing experience to do roofing on a county-owned building. The answer was while it is tempting to take advantage of skilled inmates, the risk of liability to the county is much greater, especially in this instance. There is no immunity for injuries related to the County buildings. The Commissioners would need to consider carefully whether it was worth the risk.

7. The new color printer has arrived in the Commissioners/Treasurer's Offices and B. Arseneau requested authorization to see if any Waldo County department had use for it and, if not, to be allowed to sell it during the next County auction. The Commissioners authorized this request.

8. The Commissioners have received a letter from the Osier Map Library indicating that the three maps recently donated to them by the County are too old to repair and are, therefore, of no use to the library.

They wondered what the Commissioners wished to do with these maps. The Commissioners instructed B. Arseneau to pick them up at a convenient time and Commissioner Fowler would accept them. B. Arseneau agreed to do this in August, as she needed to go to Portland then for an appointment.

9. Human Resources/Payroll Director Michelle Adams is requesting that she be allowed to front-load sick leave effective immediately, since the revised Personnel Policy allows for this function and since vacation and personal leave are already front-loaded each year. The Commissioners authorized this request effective immediately.

10. Eastern Maine Development Corporation CEO/President Jonathan Daniels sent a letter along with a brief report on activities in Waldo County by EMDC. Richard Desmarais Searsport Selectman and Waldo County Budget Committee member, asked EMDC to provide this update. A copy should be provided to each Budget Committee member.

11. EMA Director Dale Rowley sent a request for approval to spend over the budgeted amounts on Postage (line 4835) and Food (line 5100) in the EMA budget. There are other account lines that will not be fully spent in order to keep the bottom line budget figure from exceeding the approved budget. The Commissioners approved this request.

12. The Commissioners briefly reviewed a memo sent by Commissioner Hyk informing all employees in the Superior Courthouse that since locking and unlocking the doors by employees in District Courthouse has worked well for the past few months, the employees in the Superior Courthouse will be now be locked and unlocked by employees as well. Facilities Manager Keith Overlock will speak with the department heads in that building to work out the details. This will free-up the Facilities Manager to work on projects without being tied to a schedule of locking an unlocking the Courthouse, although he will continue to check the buildings regularly. Along the same line, opening and shutting the large metal shutters within the building will be the responsibility of that department.

13. The location for the July MCCA meeting has been changed to The Inn on Peaks Island, 33 Island Avenue, Peaks Island, Maine.

14. The minutes from the last Healthy Communities Coalition Meeting and agenda for the next one were sent to the Commissioners.

15. District Attorney Geoffrey Rushlau sent a memo to the Commissioners explaining that his office was in the process of receiving numerous invoices for drug testing from cases initiated in 2005. He assured the Commissioners that he would be monitoring the expenditures in the drug analysis line and would alert them if that line appears likely to be overspent.

16. Communications Director Owen Smith sent a “head’s up” that the Communications Center budget was overdrawn already in the overtime line due, mostly, to the line being under-funded. The Board of Directors had only felt comfortable increasing this line 3% over last year’s budget rather than basing the allocation on hours needed to cover known costs. He recommended that the 2007 budget be developed by using the method of basing the request on “hours known.”

APPROVAL OF MINUTES:

****A. Fowler moved, G. Boetsch seconded approving the minutes for the June 13, 2006 Tax Abatement Hearing of Ledden vs. Town of Freedom and the following County Commissioners' Court Sessions: January 10, 2006, January 31, 2006, February 14, 2006, April 25, 2006, May 9, 2006, and June 28, 2006. Unanimous.**

MISCELLANEOUS COMMISSIONERS' REPORTS & BUSINESS:

1. SEARS ISLAND RESOLUTION:

Commissioner John Hyk had requested that a resolution by the Waldo County Commissioners be drafted indicating the Commissioners vision for Sears Island, and had recommended some revisions. The resolution wording is as follows:

“Whereas, the Waldo County Commissioners view public coastal access as a birthright for our children, as well as one of the most valuable features our county offers citizens and visitors, and

Whereas, Sears Island now provides the longest continuous stretch of undeveloped coastline in Waldo County, if not the entire state, and

Whereas, development of our coastal lands during the twentieth century has been so great that public access to undeveloped scenic vistas in Waldo County is now significantly limited, and

Whereas, we believe that Sears Island should be established as a public preserve so as to place it beyond the reach of routine executive or legislative whim,

Therefore, the Waldo County Commissioners resolve that Sears Island should be set-aside as land to be retained in its natural state for the use and enjoyment of the public.”

****A. Fowler moved, G. Boetsch seconded adopting the wording, as changed, of the resolution regarding Sears Island. Unanimous.**

The Commissioners instructed the County Clerk to send copies of this resolution to the governor, Francesca Romanoski, Jonathan Reitman and the Press.

2. MACO REPRESENTATIVES:

It was noted that there are supposed to be three (3) representatives from Waldo County on the Maine Associations of Counties Committee and/or subcommittee. Currently the two serving are Commissioner Boetsch and Communications Center Owen Smith.

****G. Boetsch moved, A. Fowler seconded to nominate Register of Deeds Deloris Page to serve on the MACo Legislative Subcommittee. Unanimous.**

3. The County Communications Center could not reach a sailboat that had tipped over because they didn't have VHF. According to one of the dispatchers, G. Boetsch learned that the Communications Center could reach them by land line.

TAX ABATEMENT DELIBERATIONS:

The County Commissioners reconvened the tax abatement hearing between Mr. and Mrs. Ledden and the Town of Freedom. Present with the County Commissioners were Plaintiffs Thelma and Harry Ledden and their associates Carol and Arthur Richardson. Also present was the Defendant as represented by Selectmen Steven Bennett and Timothy Biggs. The Commissioners declined hearing testimony from the Defendant because they had not been present at the initial tax abatement hearing and it had been reconvened solely for the purpose of deliberations by the County Commissioners on the findings from the hearing on June 13, 2006. After deliberating briefly, the County Commissioners voted as follows:

****A. Fowler moved, G. Boetsch seconded to accept the petition and award the abatement of eight (8) acres as wetland. Passed two to one, with J. Hyk in opposition.**

****G. Boetsch moved, A. Fowler seconded adjourning the meeting at 11:45 a.m. Unanimous.**

Respectfully submitted by *Barbara L. Arseneau*
Waldo County Clerk